

AIDA ELZAGALLY, et al.)
Plaintiffs,)
v.) 1:19-cv-00853 (LMB/MSN)
KHALIFA HAFTAR)
Defendants.)

**DEFENDANT KHALIFA HAFTAR'S ANSWER
AND GROUNDS FOR DEFENSE**

Defendant Khalifa Haftar (“Mr. Haftar”), by counsel, for his answer to the Complaint, states as follows:

INTRODUCTION

1. Mr. Haftar admits that he is an American citizen and that he left his home in Virginia for Libya and formed the Libyan National Army as Field Marshall.
2. Denied.
3. Denied.

JURISDICTION

4. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied. Mr. Haftar admits that he is a dual citizen of the United States of America and Libya, denies that he resides in the Commonwealth of Virginia, and lacks knowledge as to plaintiffs' citizenships.

5. This paragraph contains conclusions of law to which no response is required.

To the extent an answer is required, those conclusions are denied.

6. This paragraph contains conclusions of law to which no response is required.

To the extent an answer is required, those conclusions are denied.

PARTIES

7. Mr. Haftar is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

8. Mr. Haftar is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

9. Mr. Haftar is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

10. Mr. Haftar is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

11. Mr. Haftar is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

12. Mr. Haftar is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

13. Mr. Haftar is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

14. Mr. Haftar is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

15. Mr. Haftar is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

16. Denied in part. Mr. Haftar admits to being a dual citizen of the United States of America and of Libya.

FACTUAL ALLEGATIONS

17. Admitted.

18. Denied in part. Mr. Haftar admits to owning properties in Virginia but denies residing in Virginia.

19. Mr. Heftar admits to being a cadet who worked with Colonel Muammar Ghaddafi in al-Feteh Revolution in 1969. The remainder of the allegations are denied.

20. Mr. Heftar admits that he was once an ally of Ghaddafi. The remainder of the allegations are denied as stated.

21. Admitted.

22. Mr. Haftar admits he left the United States and went to Libya.

23. Denied.

24. Denied.

25. Admitted.

26. Denied as stated. Mr. Haftar admits that he is the Commander of the LNA, which controls most of Eastern Libya.

27. Admitted.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Mr. Hafter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

34. Denied.

35. Mr. Hafter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

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38. Mr. Hafter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

39. Denied.

40. Denied.

41. Mr. Hafter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

42. Mr. Hafter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

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45. Mr. Hafter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

46. Denied.

47. Denied.

48. Mr. Hafter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

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57. Mr. Hafter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

58. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

59. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

60. Denied.

61. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied as stated. Mr. Hafter admits that he is the commander of the LNA.

62. Admitted.

63. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

COUNT I
ALIEN TORT CLAIMS ACT

Per this Court's September 29, 2020 Order, Count I has been dismissed.

Paragraphs 64 through 68 are moot.

COUNT II:
TORTURE VICTIM PROTECTION ACT

69. Mr. Hafter incorporates his responses to the preceding paragraphs.

70. This paragraph contains conclusions of law to which no response is required.

To the extent an answer is required, those conclusions are denied.

71. This paragraph contains conclusions of law to which no response is required.

To the extent an answer is required, those conclusions are denied as stated. Mr.

Hafter admits that he is the commander of the LNA.

72. Denied.

73. Denied.

COUNT IV:
WRONGFUL DEATH

Per this Court's September 29, 2020 Order, Count III has been dismissed.

Paragraphs 74 through 78 are moot.

COUNT V
INTENTIONAL AFFLICTION OF EMOTION DISTRESS

Per this Court's September 29, 2020 Order, Count IV has been dismissed.

Paragraphs 79 through 83 are moot.

COUNT VI
SURVIVAL

Per this Court's September 29, 2020 Order, Count V has been dismissed.

Paragraphs 84 through 89 are moot.

COUNT VII
PUNITIVE DAMAGES

Per this Court's September 29, 2020 Order, Count VI has been dismissed.

Paragraphs 90 through 94 are moot.

PRAYER FOR RELIEF

WHEREFORE, Defendant Khalifa Haftar denies that Plaintiffs are entitled to any of the relief requested in the unnumbered “Wherefore” clause following paragraph 94 and respectfully requests that the court dismiss the Complaint in its entirety and enter judgment in its favor and against Plaintiffs.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The plaintiffs’ claims are barred by sovereign immunity.

SECOND AFFIRMATIVE DEFENSE

The plaintiffs’ claims are barred by head of state immunity.

THIRD AFFIRMATIVE DEFENSE

The plaintiffs’ claims are barred by foreign official act immunity.

FOURTH AFFIRMATIVE DEFENSE

The plaintiffs’ claims are barred by the applicable statute(s) of limitations.

FIFTH AFFIRMATIVE DEFENSE

The plaintiffs’ claims are barred because the claims constitute a non-justiciable political question beyond this Court’s jurisdiction.

SIXTH AFFIRMATIVE DEFENSE

The plaintiffs’ claims are barred by customary international law.

SEVENTH AFFIRMATIVE DEFENSE

The plaintiffs’ claims are barred by the equitable doctrine of estoppel.

EIGHTH AFFIRMATIVE DEFENSE

The plaintiffs' claims are barred by the equitable doctrine of waiver.

NINTH AFFIRMATIVE DEFENSE

The plaintiffs' claims are barred by the equitable doctrine of unclean hands.

TENTH AFFIRMATIVE DEFENSE

The plaintiffs' claims are barred by the equitable doctrine of latches.

ELEVENTH AFFIRMATIVE DEFENSE

The plaintiffs fail to state a cause of action upon which relief may be granted.

Dated: February 19, 2021

KHALIFA HAFTAR

By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record.

/s/ Jesse R. Binnall

Counsel for the Defendant